

# WASHINGTON STATE BOUNDARY REVIEW BOARD FOR KING COUNTY

## SPECIAL MEETING AND PUBLIC HEARING MINUTES CITY OF RENTON ANTHONY' ANNEXATION (FILE NO. 2199)

AUGUST 30, 2005

The following Minutes are a summary of the Special Meetings/Public Hearings for the City of Renton Anthony' Annexation (File No. 2199). Complete written transcripts are available from the Boundary Review Board.

### I. CALL TO ORDER

Judy Tessandore, Chair, convened the meetings of August 30, 2005 at 7:00 P.M.

### II. ROLL CALL

The following members were present at the Special Meeting and Public Hearing:

Evangeline Anderson	Charles Booth
Angela Brooks	Robert Cook
Lynn Guttmann	Ethel Hanis
Claudia Hirschey	Roger Loschen
Michael Marchand	

### III. PUBLIC HEARING

#### INTRODUCTION:

Chair Tessandore stated that the purpose of the Special Meeting is to conduct a Public Hearing on the Anthony' Annexation, a proposal submitted by the City of Renton to the Boundary Review Board. The Boundary Review Board is charged with the task of providing independent review and decision-making with respect to applications for municipal annexation.

Chair Tessandore described the standards for a quasi-judicial public hearing and the scope of the hearing. She explained the process for taking public testimony. Chair Tessandore opened the public hearing.

Chair Tessandore and Lenora Blauman described the proposed annexation as follows:

In May of 2005, the City of Renton filed a Notice of Intention for the Anthony' Annexation with the Boundary Review Board. City of Renton representatives cited the Washington State Administrative Code (RCW 35.14A) as the basis for authorizing this action.

The Anthony' Annexation site consists of a 4.84 acre area located on the south side of the City of Renton. The Anthony Annexation is located on the southeast side of the City of Renton. The annexation site is surrounded to the north and to the west by the existing City of Renton. The site is bounded on the east and the south by unincorporated King County.

In June, 2005 the City of Renton invoked jurisdiction for the Anthony' Annexation requesting the addition of an approximately 21 acre area, defined as the Anthony' (Expanded). The City requested that the Board conduct a public hearing to consider the proposed Anthony' (Expanded) based upon the following factors:

- The proposed annexation of the Anthony' (Expanded) is located within Renton's Potential Annexation Area; and
- The inclusion of Anthony' (Expanded) in the City of Renton would reportedly provide more practical boundaries and logical area for community governance and for provision of services to the community; and
- The State Growth Management Act and the King County Comprehensive Plan both establish local jurisdictions as the appropriate units to govern urban areas.

Based upon that invoking of jurisdiction, the Boundary Review Board scheduled a Special Meeting/Public Hearing. The purpose of the Special Meeting/Public Hearing is to conduct a public review of the proposed basic Anthone' Area Annexation and to determine whether to consider the proposed Anthone' Area Annexation (Expanded).

Following the conclusion of the public hearing, the Boundary Review Board will deliberate and make a decision with respect to the Anthone' Area Annexation, based upon the state, regional, and local regulations which guide annexations. Pursuant to RCW 36.93, the Board can: (1) approve the Anthone' Area Annexation as proposed by the City of Renton; or (2) modify the Anthone' Area Annexation to include the Anthone' Area Annexation (Expanded), as requested by City of Renton; or deny the entire Anthone' Area Annexation.

PROPONENT PRESENTATION: City of Renton – Donald Erickson, Senior Planner – Community Development & Strategic Planning

At the Special Meeting/Public Hearing of August 30, 2005, Donald Erickson presented a statement concerning the proposed Anthone' Annexation (4.84 acres). Mr. Erickson responded to inquiries by the Boundary Review Board members. Following is a summary of the statement (including responses to inquiries).

The City of Renton proposes annexation of the Anthone' Area (4.84 acres). This annexation was proposed, at the request of the property owners, under the 60% petition method, pursuant to RCW 35A.14.

The City of Renton has conducted several public review processes for the proposed Anthone' Area Annexation including:

- Information meetings relating to proposals for annexation/changes in governance;
- Information meetings relating to zoning plans, development regulations, and service plans;
- City Council hearings relating to proposals for annexation/changes in governance;
- City Council hearings relating to proposals for zoning plans, development regulations, and service plans.

Renton's City Council adopted the petition for annexation in January 2005 based upon the jurisdiction's established Comprehensive Plan and other plans documenting interest in governing and capacity to serve the Anthone' Area and the Anthone' Area (Expanded). Based upon those planning programs, the City of Renton now includes the Anthone' Area in plans for land use management, service provision, environmental protection, and funding.

The City would have considered citizen requests for the annexation of a greater portion of unincorporated area (e.g., Springbrook Terrace, Talbot Estates, Hi Park); however, no expression of citizen interest in expansion of the annexation was offered during the course of the City's public review of the Anthone' Area.

City officials requested this public hearing before the Boundary Review Board to enable the community to participate in the governance planning process.

\*\*\*

Mr. Erickson reported that the Anthone' Area is located on the southeastern side of the City of Renton. The northern boundary of the Anthone Area is formed by S 55<sup>th</sup> Street. The western boundary of the site is generally formed by 96<sup>th</sup> Avenue South (if extended). The eastern boundary is located west of 98<sup>th</sup> Avenue South. The southern boundary of the site is generally formed by South 194<sup>th</sup> Street (if extended).

Currently, the Anthone' Area site includes one single-family home; the remainder of the property is currently vacant. The site is characterized by variable topography and natural vegetation; however there are no environmentally sensitive areas within the site boundaries. The lands surrounding the Anthone' Area include private properties developed with single-family homes, multi-family housing, and private/public environmentally sensitive sites (e.g., Springbrook Springs Watershed, aquifer, wetlands, trout farm).

The presently unincorporated Anthone' Area is included in the "Annexation Element" of the City of Renton Comprehensive Plan and is located within the Renton Potential Annexation Area. The proposed action is based upon Renton Comprehensive Plan policies addressing annexation, including those provisions which call for inclusion of urban areas within the City for local governance (e.g., LU-378, LU-386, LU-388) and provision of services to incorporated areas (e.g., LU-36; LU-41, LU-42). The City of Renton has, further, established Comprehensive Plan policies and regulatory standards both for land uses on the Anthone' Area site and for preservation of the surrounding critical areas.

More specifically, with respect to the Anthone Area site (4.84 acres), the City has proposed land use designation of Residential Low-Density. This designation provides for an R-4 zone which would permit the properties to develop at a maximum density of four units per net acre. However, the Anthone' Area was grandfathered with an R-5 zone density/lot size which would permit up to five dwellings per net acre (or a maximum of 19 new homes). The proposed designation/zoning is less intensive than the existing King County designation of Urban Residential (4-12 units per acre) and zoning designation which permits densities of six units per gross acre to nine units per gross acre (including single-family and multi-family housing options).

The City initially considered a designation and zoning for the Anthone' Area parallel to that of King County. However, the City determined that the now proposed Residential Low Density designation and R-5 zoning would be more appropriate based upon the following factors:

- Consistency with an agreement permitting R-5 zoning that has been approved between King County and the property owners; this agreement is to run with the land.
- Compatibility with the City's Comprehensive Plan (as required by the State Growth Management Act).
- Compatibility with surrounding land uses which comprise single-family homes at a density of 3.3 units per acre.
- Compatibility with the surrounding environmentally sensitive areas.

The City of Renton has planned for growth of residential development in this established urban area through the institution of land use regulations and service standards (e.g., utilities, public facilities, infrastructure). The City is prepared to provide planning review and to apply standards to guide development on the Anthone' Area properties.

Upon annexation, the City would require complete environmental review for new development under SEPA Rules (WAC 197-11). The City would apply standards for protection for environmentally sensitive areas (e.g., variable topography on the site, adjacent wetlands, adjacent trout farm, neighboring watershed/stream corridors). Measures to mitigate development-related impacts (e.g., transportation systems, infrastructure, sewer service, storm water management, critical area management) would be required in conjunction with that environmental review process. Such protections would be based upon local, regional and state regulations for protection of environmentally sensitive areas. For example, storm water management would be provided in accord with 1998 Surface Water Manual Standards established in accord with State of Washington standards.

The City of Renton can directly provide (or contract for) urban services to the Anthone' Area. For example, Renton would directly provide police services, fire services and emergency services. The City would also directly provide water services, sewer service and storm water management.

The City would provide for human services and law and justice services. Local and regional library facilities and recreation facilities would be available to the community. Children would continue to attend schools in Kent School District No. 415.

\*\*\*

Mr. Erickson stated that the City has proposed the Anthone' Area Annexation in keeping with state law which guides annexations (Chapter 36.93 RCW – e.g., RCW 36.93.170 and RCW 36.93.180). More specifically, City officials report that the currently proposed Anthone' Area Annexation would meet the basic intention of RCW 36.93.180 Objective 1, which calls for the

preservation of neighborhoods. This area is part of a greater territory that is linked to Renton by social fabric (e.g., similar land uses and open spaces, shared sense of community) and by natural/built geographic features (e.g., sloping terrain). This annexation would also be generally consistent with Objective 3, which calls for creation of logical service areas, and Objectives 4-7, which call for the achievement of reasonable boundaries for a jurisdiction. The present annexation does include more designated land within the City of Renton which is acceptable as an interim measure to begin the process of enhancing uniform governance and services. This annexation would also be consistent with Objective 8, because it begins to include a designated urban area within the municipality of Renton.

The City has conducted fiscal analyses for the Anthone' Area and determined that sufficient funds are available to serve the properties. More specifically, at present development, City expenditures are estimated at \$2,314; revenues are estimated at \$2,779. At full development, City expenditures are estimated at \$30,807.00; revenues are estimated at \$31,682.

Upon annexation, property owners would assume their share of the regular and special levy rate of the City for capital facilities and public services. For example, the City has developed plans to provide basic utilities such as sewer service and water service to individual properties. Further, the City has established a plan whereby building and maintenance of roadways will be funded in part by the developer of new homes and in part by the City of Renton.

Thus, the addition of the Anthone' Area properties is not expected to have a significant impact on revenue or upon cost and adequacy of services, finances, debt structure or rights of other governmental units. Future capital needs and costs will be examined and funded through the Renton Capital Investment Program.

\*\*\*

Mr. Erickson stated that, while the City of Renton supports the initially proposed Anthone' Area Annexation (4.84 acres), the City is seeking the addition of 21 acres – defined as Anthone' (Expanded). The City's request for expansion of the annexation is based upon the fact that the entire Anthone' Area Annexation (Expanded) is identified as Potential Annexation Area within the City's adopted Comprehensive Plan. City of Renton officials believe that the Anthone' Annexation (Expanded) would better address municipal policies, County policies, and the state laws (e.g., Chapter 36.93 RCW, 36.70A RCW) which call for local governance of urban areas.

The City of Renton supports annexation of the Anthone' Area in order to serve the community.

#### OPPONENT PRESENTATION:

No jurisdiction came forward to oppose the Anthone' Annexation.

KING COUNTY: King County Office of the Executive: Michael Thomas, Senior Policy Analyst

On behalf of the King County Office of the Executive, Michael Thomas reported that King County plans and policies call for annexation of lands within the Urban Growth Area. The King County Plan stipulates that annexations should occur at the earliest feasible date -- when cities have land use plans, service plans, and service resources available. Annexation of urban lands to local jurisdictions is, similarly, in keeping with the State Growth Management Act.

Mr. Thomas stated that King County supports the annexation of the entire Anthone' Area (Expanded) because the County has limited ability to provide efficient local services in urban unincorporated areas – particularly those areas which are “islands” and which have irregular boundaries that are difficult for providers to serve.

Mr. Thomas reported that the County believes that the interests of citizens of the entire Anthone' Area (Expanded) are best served by immediately joining the City of Renton, as Renton's Comprehensive Plan establishes the City's commitment to annexation of this territory. Renton has extended great effort to plan to govern, develop, protect, and serve the area as a unified community. The City offers an established record as an entity capable of providing for zoning, development standards, and environmental protection appropriate to the area.

Mr. Thomas stated that while the King County Initiative permits the County to encourage citizens to annex to local municipalities, under stat law, it is the cities that maintain final jurisdiction over annexation of urban lands.

However, Mr. Thomas reported that the Board is authorized, under criteria established by RCW 36.93.170 and RCW 36.93.180 (Boundary Review Board), to support annexation of the Anthone' Area (Expanded) to Renton. Further, RCW 36.93.150 clearly allows the Boundary Review Board to approve the comprehensive annexation. The incorporation of the Anthone' Area (Expanded) is also consistent with other state, regional and local guidelines.

GENERAL TESTIMONY:

No testimony was offered with respect to the Anthone' Area Annexation.

REBUTTAL City of Renton – Donald Erickson, Senior Planner –  
Community Development and Strategic Planning

The City of Renton supports the Anthone' Area Annexation in order to achieve compliance with the Renton Comprehensive Plan and the King County Annexation Initiative.

New residential development and coordinated services would reportedly be consistent with goals and objectives established for the benefit of the greater Renton community. More specifically, with respect to the Anthone Area site (4.84 acres), the City has proposed land use designation of Residential Low-Density, with zoning which would permit five dwellings per net acre. This proposed Residential Low Density designation and zoning designation (based upon the grandfathering at R-5) would permit up to 19 new homes in the Anthone' Area.

The proposed designation/zoning is less intensive than the existing King County designation of Urban Residential (4-12 units per acre) and zoning designation of R-6 (which permits from 6 – 9 units per gross acre). Under the current King County designation/zoning, approximately 25 homes would be permitted on the site.

Thus, the City does not propose a down zoning of the area nor does the City propose an up zone. Rather, the City believes that the annexation and the proposed designation/zoning of the Anthone' Area would provide for consistent standards for the preservation of the built environment. More specifically the proposed City designation/zoning would permit new development that is more compatible with existing development in the surrounding area which is at a density of 3.3 units per acre. The proposed City designation/zoning would also address the need to protect key nearby critical areas (e.g., watershed, aquifer, wetlands, trout farm).

The City of Renton supports annexation of these urban properties in order to serve citizens of the area. Coordinated new development and coordinated services would reportedly be consistent with goals and objectives established for the benefit of the greater community.

**IV. DETERMINATION OF THE STATUS OF THE PUBLIC HEARING**

At the completion of testimony for the Anthone' Area Annexation, Chair Tessandore instructed the Board with respect to procedures for closure (or continuation) of the public hearing. The Board has the option to continue the hearing to obtain more information or to close the hearing and deliberate for a decision on the proposed action. Chair Tessandore requested a motion to close or to continue the hearing.

Lynn Guttmann moved and Robert Cook seconded a motion that the Boundary Review Board close the public hearing and begin deliberations for the Anthone' (4.84 acre) Annexation. The motion was adopted by unanimous vote.

\*\*\*

Chair Tessandore invited the Board members to begin deliberations to consider annexation of the proposed Anthone' Area Annexation. Board members began consideration of Anthone' Annexation by posing an inquiry as follows:

- Inquiry: What is the authority/responsibility of the Boundary Review Board with respect to land use designation/zoning for an annexation site?

Response: Special Assistant Attorney General Robert Kaufman confirmed that RCW 36.93.170 (Factors) authorizes the Boundary Review Board to consider land use designation/zoning in review of an annexation proposal. The review of this factor must be undertaken in balance with review of consistency with all factors and objectives established in RCW 36.93., as well as consistency with the provisions of the State Growth Management Act, the King County Comprehensive Plan, and the City of Renton's Comprehensive Plan.

\*\*\*

In the course of discussion concerning the options for annexation of the Anthone' into the City of Renton, the Board members generally agreed that:

- Annexation of the Anthone' Area at 4.84 acres does not substantially advance the statutory authority of the Boundary Review Board (e.g., RCW 36.93 – the Board's Enabling Act; 36.70A RCW – State Growth Management Act; King County Comprehensive Plan; City of Renton Comprehensive Plan). City of Renton representatives have provided to the Board data and documentation confirming municipal support (and some citizen interest) for annexation, governance, and service of the entire Anthone' (Expanded).
- A full hearing of the City of Renton position on the facts and factors relating to the annexation of the Anthone' Area (Expanded) (21 acres) is necessary and appropriate. The facts in this matter are required in order for the Board to determine whether the City of Renton proposal for the Anthone' Area (Expanded) would be consistent with the statutory authority of the Boundary Review Board including RCW 36.93 – the Board's Enabling Act; 36.70A RCW – State Growth Management Act; King County Comprehensive Plan; City of Renton Comprehensive Plan, et al.
- A hearing on the Anthone' Area (Expanded) would enable the Board to consider whether the City is able to govern and serve the entire Anthone' Area (Expanded). The Board would be able to consider the capacity of the County to serve the entire Anthone' Area (Expanded). The Board could, thus, determine the likely intended and unintended consequences of an action to approve, modify, or deny the proposed annexation as prescribed under the statutory authority of the Boundary Review Board (e.g., RCW 36.93 – the Board's Enabling Act; 36.70A RCW – State Growth Management Act; King County Comprehensive Plan; City of Renton Comprehensive Plan, et al.).

\*\*\*

At the close of discussion, Chair Tessandore called for a motion to establish the direction for future hearings on the proposed Anthone' Area (Expanded) Annexation (21 additional acres for a total of 26 acres).

Charles Booth moved and Angela Brooks seconded a motion that the Boundary Review Board conduct a hearing in order to receive and consider testimony relating to the City of Renton request to incorporate the Anthone' Area (Expanded) (File No. 2199).

The Special Meeting/Public Hearing was scheduled to commence on August 31, 2005 at the hour of 7:00 P.M. at Renton Technical College. The motion was approved by a vote of nine in favor and one in opposition (Claudia Hirschey).

## **V. ADJOURNMENT**

Evangeline Anderson moved and Michael Marchand seconded a motion to adjourn the current session of the Special Meeting/Public Hearing of August 30, 2005. The motion passed by unanimous vote. Chair Tessandore adjourned the meeting at 8:40 P.M.